

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA

v.

DANIEL ALVARADO-BENITEZ

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CRIMINAL NUMBER 3:23-CR-0029-16

FACTUAL STATEMENT IN SUPPORT OF PLEA AGREEMENT

The United States of America, by and through Nicholas J. Ganjei, United States Attorney for the Southern District of Texas, and Kenneth A. Cusick, Assistant United States Attorney, represent that the government can prove the violation alleged in Count EIGHTEEN of this Indictment against Daniel Alvarado-Benitez, the Defendant, as follows:

The United States of America could prove beyond a reasonable doubt with admissible and competent evidence each element of the offense of possession with intent to distribute 100 or more grams of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, U.S. Code, Sections 841(a)(1) and 841(b)(1)(B).

The following facts, among others, would be offered to establish the defendant's guilt:

Count EIGHTEEN

In July 2019, a Confidential Source negotiated the purchase of nine ounces of heroin and 100 fentanyl pills from "Tucan". On or about July 11, 2019, Daniel Alvarado-Benitez contacted a DEA undercover officer on behalf of Tucan and made arrangements to conduct the transaction. Later the same day, DEA undercover officers met with Daniel Alvarado-Benitez in the parking lot of Family Dollar, located at 11046 Airline Drive, Houston, Texas. Undercover officers purchased nine ounces of heroin for \$7,000 and 100 fentanyl pills (10 grams) for \$1,100 from Daniel Alvarado-Benitez.

The suspected drugs seized were marked as DEA Drug Exhibits 22 (suspected heroin) and 23 (suspected fentanyl). Exhibits 22 and 23 were sent to the DEA South Central Laboratory located in Dallas, Texas. Exhibit 22 was analyzed by DEA Forensic Chemist Jay R. Hopenwasser and it would be his opinion that there was a net weight 248.6 grams of heroin with an 86 % level of purity. Exhibit 23 was analyzed by DEA Forensic Chemist Marie D. Prince and it would be her opinion that there was a net weight 10.8 grams of fentanyl.

Evidence to support this allegation includes physical surveillance by law enforcement officers; witness testimony including the testimony of undercover officers; the seized drugs in DEA Drug Exhibits 22 and 23; photographs of the drugs seized; and audio recordings between the CS and Tucan and between the CS and Daniel Alvarado-Benitez.

NICHOLAS J. GANJEI  
UNITED STATES ATTORNEY

By: 

KENNETH A. CUSICK  
Assistant United States Attorney  
Southern District of Texas